IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRTIT PETITION NO.2622 OF 2004

Shri Anil D. Matekar ...Petitioner.

V/s

Shri V.M. Shevade & Ors. ...Respondents.

Mr. A.G. Damle for the petitioner.

Mr. A.S. Shitole for the State.

CORAM: V.M. KANADE, J.
DATE : 1st March, 2005

P.C.

1. Heard the learned Counsel for the petitioner.

2. This petition is filed for quashing the complaint which is filed by respondent No.1.The main grievance of the petition is that his application for discharge was dismissed by the Magistrate. The Sessions Court did not entertain the revision application in view of the recent judgment of the supreme Court in the case of Adalat Prasad & ors. Vs. Rooplal Jindal & Ors in Appeal (Cri) No.91 of 2002 dated 25.8.2004.

3. The main contention of the petitioner is that he being an employee of the Company was not a person in charge of the affairs of the Company and, therefore, he does not fall within the definition of the term "principal employer" as envisaged by the Private

Security Guards (Regulation of Employment & Welfare) Act, 1981. In my view, this point can be raised by the petitioner at the time of final hearing of the trial as the question as to whether petitioner was, in fact, in charge of the Company or not can be decided only after the evidence is adduced. Keeping this question open, application for recall of process is dismissed.

V.M. KANADE, J.